

Message Text

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ACTION DLOS-04

INFO OCT-01 AF-08 ARA-06 EUR-12 EA-07 NEA-10 IO-13 ISO-00

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

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TO SECSTATE WASHDC 7390

INFO AMEMBASSY ALGIERS

AMEMBASSY LIMA

AMEMBASSY LONDON

AMEMBASSY TANANARIVE

AMEMBASSY MADRID

AMEMBASSY MEXICO CITY

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TOKYO

C O N F I D E N T I A L USUN 2013

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: COMMITTEE I INFORMAL SESSION, APRIL 27, 1976

1. SUMMARY. C-I MET IN INFORMAL SESSION APRIL 27, 1976

TO DISCUSS ARTICLES 42-68. END SUMMARY.

2. US REP (ESKIN) PROPOSED A NEW ARTICLE 41 BIS TO PROVIDE A ROLE FOR NONGOVERNMENTAL ORGANIZATIONS AS ADVISORS

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TO THE AUTHORITY. JAPAN EXPRESSED AN INTEREST IN EX-

AMINING FURTHER THE US PROPOSAL. MADAGASCAR STATED THAT THE AUTHORITY SHOULD BE FREE TO ESTABLISH A WORKING RELATIONSHIP WITH THE NGO'S AND THEREFORE NO STATUTORY PROVISION IN THE TREATY SHOULD BE INCLUDED. ALGERIA STATED US PROPOSAL DID NOT BELONG IN PART I OF THE TREATY.

3. ON ARTICLE 42 (FINANCE) KUWAIT SUGGESTED INCLUDING A REFERENCE TO COMPENSATION TO DEVELOPING LAND-BASED PRODUCERS TO BE PAID FROM THE GENERAL FUND. UK (WOOD) SUGGESTED NEW LANGUAGE FOR ARTICLE 42, PARAGRAPH 1 "PURPOSE OF THE GENERAL FUND IS TO SERVE AS THE GENERAL WORKING CAPITAL FUND OF THE AUTHORITY TO PROVIDE FOR THE ADMINISTRATIVE EXPENSES FOR THE AUTHORITY" AND FOR PARAGRAPH 2 ADDITION TO THE LAST SENTENCE "IN SUFFICIENT AMOUNTS TO COVER THE ADMINISTRATIVE EXPENSES OF THE AUTHORITY AND PROVIDE ADEQUATE WORKING CAPITAL." FRANCE (MARTIN-SANE), JAPAN, USSR AND US REPS SUPPORTED UK PROPOSAL. MEXICO STATED THAT COMPENSATION FOR LAND-BASED PRODUCERS SHOULD COME OUT OF A SPECIAL FUND. ALGERIA SUGGESTED FINANCING THE AUTHORITY'S ADMINISTRATIVE EXPENSES THROUGH FEES FROM STATES PARTIES. USSR (KAZMIN) AND GAMBIA STATED THEIR POSSIBLE ACCEPTANCE OF SNT ARTICLE 42.

4. ON ARTICLE 43, ALGERIA SUGGESTED DELETING THE LAST TWO SENTENCES WHICH DETAIL THE PROCEDURE TO BE FOLLOWED IF THE ASSEMBLY DOES NOT APPROVE THE BUDGET RECOMMENDED BY THE COUNCIL. US REP (RATINER) OPPOSED THIS PROPOSAL.

5. US REP (ESKIN) SUPPORTED BY JAPAN, SUGGESTED DELETING REFERENCE TO FUNDING OF THE ENTERPRISE UNDER ARTICLE 44 SINCE THIS ISSUE SHOULD BE DEALT WITH IN A SEPARATE ARTICLE. US REP STATED THAT IN THE EARLY STAGES STATES PARTIES COULD BE REQUIRED TO MAKE PAYMENTS TO COVER THE ADMINISTRATIVE EXPENSES OF THE AUTHORITY. THESE PAYMENTS SHOULD CEASE WHEN REVENUES ACCRUE TO THE AUTHORITY. USSR REP SUGGESTED NEW LANGUAGE FOR ARTICLE 44, PARAGRAPH 2 TO WIT "EXPENSES REFERRED TO IN PARAGRAPH 1 SHALL BE MET OUT OF THE GENERAL FUND UNTIL THE AUTHORITY RECEIVES SUFFICIENT REVENUES UNDER ARTICLE 42 TO COVER THE ADMINISTRATIVE FUNDS AS PROVIDED IN PARAGRAPH 1(A).
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ADMINISTRATIVE FUNDS SHALL BE MET OUT OF THE CONTRIBUTIONS OF FUNDS BY MEMBERS ON A SCALE IN ARTICLE 26(IV)." USSR REP STATED THAT THE ENTERPRISE COULD RECEIVE FUNDS FROM THE GENERAL FUND BUT NOT FROM STATES PARTIES CONTRIBUTIONS.

6. AUSTRIA PROPOSED A REVENUE SHARING SCHEME AIMED AT GIVING TO THE LL/GDS 35 PERCENT OF THE FUNDS THE AUTHORITY DISTRIBUTES. GHANA RAISED OBJECTIONS TO THIS PROPOSAL

SINCE NO DISTINCTION IS MADE BETWEEN DEVELOPED AND DEVELOPING LL/GDS. USSR SUPPORTED, IN PRINCIPLE, THE PROPOSAL BY AUSTRIA.

7. C-I TURNED TO CONSIDERATION OF ARTICLES 48-56 (STATUS, IMMUNITIES AND PRIVILEGES). UK (WOOD) PROPOSED A NUMBER OF TECHNICAL CHANGES WHICH WAS SUPPORTED BY U.S. IN PRINCIPLE. WOOD STATED THAT UNDER ARTICLE 50 THE AUTHORITY SHOULD ENJOY NO IMMUNITY FROM THE LEGAL PROCESS IN RESPECT OF TRIBUNAL DECISIONS. UK REP, SUPPORTED BY FRANCE AND NETHERLANDS, STATED THAT ARTICLE 53 SHOULD NOT ALLOW THE AUTHORITY DISCRETION TO WAIVE THE IMMUNITY OF ITS MEMBERS. THIS FUNCTIONAL IMMUNITY SHOULD NOT APPLY IN THE CASE OF MOTOR VEHICLE ACCIDENTS. GDR (WUENSCHKE) STATED THERE SHOULD BE A SEPARATE ARTICLE TO DEFINE THE PRIVILEGES AND IMMUNITIES OF MEMBER STATES AS OPPOSED TO INDIVIDUALS.

8. ON ARTICLE 55, SPAIN PROPOSED A LIST OF ITEMS WHICH SHOULD BE EXCLUDED FROM HAVING CONFIDENTIAL STATUS I.E. THAT AUTHORITY SHOULD MAKE AVAILABLE TO THE PUBLIC: (1) GEOLOGICAL INFORMATION, (2) STATISTICAL RESULTS OF EXPLOITATION, (3) NUMBER, TYPES AND PLACES OF SURVEY, (4) METHODS OF EXPLORATION, (5) NUMBER AND DEPTH OF SURVEYS. SPANISH REP STATED THAT GEOPHYSICAL AND GEOLOGICAL SURVEY DATA SHOULD BE CONFIDENTIAL FOR NO MORE THAN 10 YEARS. US REP (ESKIN) STATED THERE SHOULD BE TURNOVER OF ONLY NECESSARY AND RELEVANT DATA WITH NO SET TIME OF EXPIRATION OF CONFIDENTIALITY STATUS.

9. ON ARTICLE 57, UK REP STATED THAT STATES SHOULD NOT BE ALLOWED TO TAX INTERNATIONAL SALARIES IF THERE IS AN INTERNATIONAL TAX.
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10. C-I NEXT MOVED TO CONSIDERATION OF ARTICLES 63-75 (FINAL CLAUSES). PERU (DE SOTO) STATED THAT THESE ARTICLES LEAVE THE MISTAKEN IMPRESSION THAT C-I IS SEEKING A SEPARATE CONVENTION. ALGERIA SUGGESTED THAT CONSIDERATION OF ARTICLE 73 (PROVISIONAL APPLICATION) WOULD BE MORE APPROPRIATE IN PLENARY. US REP (RATINER) STATED THE INCLUSION OF THE ARTICLES ON PROVISIONAL APPLICATION IN THE NEW SNT WERE OF POLITICAL IMPORTANCE TO THE US DELEGATION. US REP STATED US CONGRESS WOULD ENACT UNILATERAL LEGISLATION IF THE IMPRESSION IS LEFT THAT PART I OF THIS TREATY WOULD NOT ENTER INTO FORCE PROVISIONALLY. ENGO RESPONDED BY STATING A LIST OF ITEMS WHICH PLENARY SHOULD DISCUSS WOULD BE MADE.

11. ARTICLE 67 (SUSPENSION OF PRIVILEGES), US REP
(RATINER) STATED THAT SUSPENSION OF A MEMBER STATE MUST
BE FOR GROSS AND PERSISTENT VIOLATIONS AND THE TRIBUNAL
MUST CONCUR WITH THE SUSPENSION DECISION. USSR STATED
THAT A TWO-THIRDS MAJORITY VOTE TO SUSPEND A MEMBER WAS
NOT ADEQUATE.
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